

**Cutler**  
**36617-021704**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***FEBRUARY 17, 2004  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call. (All Council Members were present.)**

The Invocation was delivered by The Reverend Shadrach Brown, Jr., Pastor, Garden of Prayer No. 7 Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTN Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, February 19, 2004, at 7:00 p.m., and Saturday, February 21, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGMENTS: NONE.**

3.

## **CONSENT AGENDA**

**(Approved (7-0))**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the regular meeting of Council held on Monday, November 17, 2003, and recessed until Friday, November 21, 2003; the Special Meeting held on Tuesday, November 25, 2003; the regular meeting held on Monday December 1, 2003; the regular meeting held on Monday, December 15, 2003; and the regular meeting held on Monday, January 5, 2004.

**RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.**

- C-2 A communication from D. Duane Dixon tendering his resignation as a member of the Board of Trustees, City of Roanoke Pension Plan, effective February 2, 2004.

**RECOMMENDED ACTION: Accept the resignation and receive and file the communication.**

**File #110-429**

- C-3 Qualification of Linda D. Frith and Allen D. Williams as Directors of the Industrial Development Authority.

**File #110-207**

**RECOMMENDED ACTION: Receive and file.**

- C-4        A communication from the City Manager requesting that Council convene in Closed Meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.3.2711(A)(3), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.**  
**File #2-132-166**

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS:**

- a.        Request of the Roanoke Arts Commission to discuss the Public Arts Planning process. Mark C. McConnel, Chair, Spokesperson. (Sponsored by Council Members William D. Bestpitch and M. Rupert Cutler)

**Council authorized the expenditure of up to \$60,000.00 from the Percent for Arts allocation to be used by the Roanoke Arts Commission for development of a Public Art Plan, subject to report by the City Manager.**

**File #230**

- b.        Request to address Council with regard to the Roanoke Express Hockey Team. Cristy M. Lovelace, Spokesperson. (Sponsored by Council Members William D. Bestpitch and Linda F. Wyatt)

**Petitions were presented in support of keeping the Roanoke Express hockey team in the Roanoke Valley.**

**(No Action.)**

**File #192-346**

## 6. REPORTS OF OFFICERS:

### a. CITY MANAGER:

#### BRIEFINGS:

Update on Riverside Centre for Research and Technology. (15 minutes)

**(To be held at the conclusion of the Council meeting.)**

#### ITEMS RECOMMENDED FOR ACTION:

1. Amendment to the City Code to reflect recent updates to the Erosion and Sediment Control and Stormwater Management regulations.

**Adopted Ordinance Nos. 36617-021704 and 36618-021704.  
(7-0)**

**File #24-356-468**

2. Amendment and reenactment of Ordinance No. 35640-110501 to vacate, discontinue and close a portion of Salem Avenue, S. W.

**Adopted Ordinance No. 36619-021704. (7-0)**

**File #227-514**

3. Execution of a First Amendment to the Parking Lease Agreement with Crown Roanoke LLC to permanently reduce the number of parking spaces in the Williamson Road Parking Garage, 201 Tazewell Avenue, S. E., retroactively to May 1, 2003.

**Adopted Ordinance No. 36620-021704. (7-0)**

**File #373-553**

4. Appropriation of \$28,288.00 received from other jurisdictions in connection with the September 2003 Household Hazardous Waste Collection Day.

**Adopted Budget Ordinance No. 36621-021704. (7-0)**  
**File #60-144**

5. Endorsement and adoption of the Roanoke Valley Area Ozone Early Action Plan.

**Adopted Resolution No. 36622-021704. (7-0)**  
**File #529**

## **7. REPORTS OF COMMITTEES:**

- a. Report from the City Planning Commission transmitting the 2003 Annual Report. R. Brian Townsend, Agent, Spokesperson.

**Received and filed.**  
**File #200**

- b. Report from the Roanoke City School Board requesting appropriation of \$4,178.00 for the Expanded GED Testing Services Program; and a report from the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

**Adopted Budget Ordinance No. 36623-021704. (7-0)**  
**File #60-467**

## **8. UNFINISHED BUSINESS: NONE.**

## **9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**With regard to the stadium/amphitheater project, upon motion of Council Member Wyatt, seconded by Vice-Mayor Harris, Council voted to place the project on hold until the incoming Council takes office, effective July 1, 2004. (4-3, Council Members Cutler, Dowe and Bestpitch voted no.)**

**File #122**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Dr. E. Jeanette Manns, 1826 10<sup>th</sup> Street, N. W., spoke with regard to a vehicle that was towed from her private residence under provisions of the City's inoperable motor vehicle ordinance. She advised that her constitutional rights as a low/moderate income citizen have been violated.**  
**File #20-66**

**Messrs. Brian Wishneff, 2913 Wycliffe Avenue, S. W., Sherman Lea, 1638 Lonna Drive, N. W., and E. Duane Howard, 508B Walnut Avenue, S. W., expressed appreciation to Council Member Wyatt for her motion to place the stadium/amphitheater project on hold until the new Council takes office on July 1, 2004.**

**File #122**

## **12. CITY MANAGER COMMENTS:**

**In response to recent remarks by a citizen indicating that there were only a "hand full" of events scheduled at the Roanoke Civic Center during the month of February, the City Manager reported that 24 events are scheduled in February, ten of which represent the Roanoke Express hockey team and the Roanoke Dazzle, and 28 events are scheduled in the month of March. She stated that the Civic Center is alive and well and is an active facility.**

**File #192**

**The Council meeting was declared in recess and the Council immediately reconvened in the Council's Conference Room for a briefing on the Riverside Centre for Research and Technology.**

**File #540**

**Certification of Closed Session (7 - 0)**

**The meeting was declared in recess until 7:00 p.m. in the Council Chamber.**





***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***FEBRUARY 17, 2004  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order -- Roll Call. (All Council Members were present.)**

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

The Council meeting will be televised live by RVTV Channel 3 to be replayed on Thursday, February 19, 2004, at 7:00 p.m., and Saturday, February 21, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.**

### **A. PUBLIC HEARINGS:**

1. Request to rezone a tract of land located at 739 Townside Road, S. W., containing 3.77 acres, more or less, identified as Official Tax No. 5490307, from C-2, General Commercial District, and C-2, General Commercial District, with conditions, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner. Todd D. Conner, Spokesperson.

**Adopted Ordinance No. 36624-021704. (7-0)**  
**File #51**

2. Request of LSW-HMW Family Limited Partnership to rezone one tract of land located at 622 Huntington Boulevard, N. E., containing 1.630 acres, more or less, identified as Official Tax No. 3280102, from CN, Neighborhood Commercial District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner. Daniel F. Layman, Jr., Attorney.

**Adopted Ordinance No. 36625-021704. (7-0)**  
**File #51**

3. Amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Gilmer Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

**Adopted Ordinance No. 36626-021704. (7-0)**  
**File #165-424**

4. Request of the City of Roanoke that a 24-foot wide alley running in an easterly direction from Franklin Road, S. W., for a distance of approximately 129 feet; and closure of a 10-foot wide alley running in a northerly direction from said 24-foot wide alley, be permanently vacated, discontinued and closed. R. Brian Townsend, Agent, City Planning Commission.

**Adopted Ordinance No. 36627-021704. (7-0)**  
**File #514**

5. Proposed encroachment of an awning into the public right-of-way at 105 S. Jefferson Street. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36628-021704. (7-0)**  
**File #169**

6. Proposed conveyance of a 20-foot wide easement to Appalachian Power Company across City-owned property located at the Roanoke Academy for Mathematics and Science to provide underground electric service. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36629-021704. (7-0)**  
**File #29-467**

**B. OTHER BUSINESS: NONE.**

**C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke with regard to traffic calming in the area of Masons Mill Road and Hollins Road, N. E., specifically during peak traffic hours; and repair of a City sidewalk (no location was provided). He expressed appreciation to Ms. Wyatt for offering the motion to place the stadium/amphitheater project on hold until the new Council takes office on July 1, 2004.**

**File #20-57-66-122**

**Ms. Angela Norman, 1731 Michael Street, N. W., expressed appreciation to Ms. Wyatt for offering the motion to halt construction of the new stadium/amphitheater until the incoming Council takes office on July 1, 2004. She requested that Council investigate any means to address escalating gas heating bills for Roanoke's citizens, specifically the elderly and those living on a fixed income.**

**File #122-458**

**Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to the City of Roanoke as a whole and the City's work force.**

**File #66-175-184**

**The Council meeting was adjourned at 7:30 p.m.**